

Message Text

CONFIDENTIAL

PAGE 01 KUALA 06969 01 OF 02 060540Z

21

ACTION DLOS-06

INFO OCT-01 AF-08 ARA-06 EA-07 EUR-12 NEA-10 ISO-00 FEA-01
ACDA-07 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00
CIEP-01 COME-00 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05
FMC-01 TRSE-00 H-01 INR-07 INT-05 IO-13 JUSE-00 L-03
NSAE-00 NSC-05 NSF-01 OES-06 OMB-01 PA-01 PM-04
PRS-01 SP-02 SS-15 USIA-06 SAL-01 /152 W

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P R 060400Z DEC 76

FM AMEMBASSY KUALA LUMPUR

TO SECSTATE WASHDC PRIORITY 5404

INFO AMEMBASSY JAKARTA

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY SINGAPORE

AMEMBASSY TOKYO

C O N F I D E N T I A L SECTION 1 OF 2 KUALA LUMPUR 6969

E.O. 11652: GDS

TAGS: PLOS, MY, UK. UR

SUBJECT: LOS: MALACCA STRAIT TRAFFIC SCHEME; US-GOM LOS
CONSULTATIONS; USSR-GOM SHIPPING TALKS

REF: (A) KUALA LUMPUR 6834, (B) KUALA LUMPUR 6825, (C) STATE 286159

1. SUMMARY. MFA OFFICIAL IN CHARGE OF LOS MATTERS CONFIRMED
SUBSTANCE OF REFTELS A AND B LAST WEEK, CLAIMING THAT UNDER KEEL
CLEARANCE HAD BEEN CHIEF PROBLEM IN AGREEMENT BETWEEN MALACCA
STRAIT STATES AND EXPRESSING CONFIDENCE THAT AGREEMENT WOULD BE
REACHED ON UKC AND TRAFFIC SEPARATION SCHEME AT SENIOR OFFICIALS
MEETING (SOM) TO BE HELD BETWEEN DEC 15 AND 24. HE ALSO
CONFIRMED THAT GOM DOES NOT WANT IMCO TO REVIEW TSS BUT MERELY
DESIRES IMCO APPROVAL. THEREFORE, IT IS DOING ITS BEST TO HAVE
SCHEME CONFORM TO ACCEPTABLE NORMS (E.G. DOVER STRAIT TSS) AND
WAS CONSULTING USERS ORGANIZATIONS TO ENSURE THEY DO NOT HAVE
MAJOR OBJECTIONS. HE REAFFIRMED THAT GOM DOES NOT BELIEVE SCHEME
CAN BE SUBMITTED FOR IMCO APPROVAL THIS YEAR, SPECULATING
THAT IT WOULD BE CONSIDERED AT 1978 IMCO ASSEMBLY. PARAM
RECOMMENDED THAT PROPOSED US-GOM CONSULTATIONS ON LOS MATTERS
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PAGE 02 KUALA 06969 01 OF 02 060540Z

BE HELD AFTER BOTH THE SOM THIS MONTH AND THE FINAL FOREIGN

MINISTER'S MEETING TO APPROVE THE TSS WHICH HE BELIEVES WILL TAKE PLACE IN FIRST THREE WEEKS OF JANUARY 1977. HE ASKED FOR AN INDICATION WHEN US-GOM TALKS MIGHT BE SCHEDULED. END SUMMARY.

2. DURING PAST WEEK, POLOFF MET WITH MFA OFFICIAL IN CHARGE OF LOS MATTERS, PRINCIPAL ASSISTANT SECRETARY N. PARAMESWARAN, AND WITH UK HEAD OF CHANCERY VSMOTHY GEE. PARAM GENERALLY CONFIRMED THE INFORMATION CONTAINED IN REFTEL B, BUT SAID THAT THE SENIOR OFFICIAL'S MEETING (SOM) TO FINALIZE THE MALACCA STRAIT TRAFFIC SEPARATION SCHEME (TSS) IS NOW LIKELY TO TAKE PLACE BETWEEN DECEMBER 15 AND 24, 1976. MFA DEPUTY SEC GEN AHMAD ZAINAL WILL HEAD THE GOM DELEGATION AND, ONCE AGREEMENT IS REACHED, A FOREIGN MINISTER'S MEETING WILL BE HELD TO GIVE FINAL APPROVAL. PARAM WAS REASONABLY CONFIDENT THAT THIS WOULD BE THE LAST SOM AND FORECAST THAT FONMINS WOULD MEET SOMETIME IN THE FIRST THREE WEEKS OF JANUARY 1977.

3. IMCO APPROVAL: PARAM STATED THAT MALAYSIA (AND BY IMPLICATION INDONESIA AND SINGAPORE) INTENDS TO SEEK IMCO "ACCEPTANCE" OF THE TSS BUT DOES NOT WISH TO HAVE THE SCHEME AMENDED BY THAT ORGANIZATION. IN ORDER TO ENSURE THAT IMCO WOULD HAVE NO STRONG OBJECTIONS, THE THREE STRAITS STATES HAD DESIGNED THE TSS TO CONFORM TO INTERNATIONAL STANDARDS (HE SPECIFICALLY MENTIONED THE DOVER STRAIT TSS) AND HAD BEEN IN CONSULTATION WITH THE MAIN USER ORGANIZATIONS--MALACCA STRAITS COUNCIL, OIL COMPANIES INTERNATIONAL MARINE FORUM, AND INTERNATIONAL CHAMBER OF SHIPPING--TO MAKE CERTAIN THAT THEY WOULD HAVE NO MAJOR OBJECTIONS. (HE NOTED IN PASSING THAT TSS WOULD NOT BE CONTINUOUS FOR LENGTH OF STRAIT BUT WOULD APPLY ONLY TO NARROWEST SEGMENTS.) WITH REGARD TO IMCO APPROVAL, HE REFERRED TO THE MALAYSIAN PROPOSAL CIRCULATED AT THE END OF THE LAST LOS CONFERENCE IN WHICH, PARAM CLAIMED, GOM SAID IT WAS PREPARED TO ACCEPT PARAGRAPHS 1 THROUGH 3 OF ARTICLE 39 OF THE REVISED SINGLE NEGOTIATING TEXT (RSNT) BUT COULD NOT AGREE TO THE PRESENT WORDING OF PARAGRAPH 4 WHICH WOULD GIVE INTERNATIONAL ORGANIZATIONS A VETO OVER SCHEMES ORIGINATED BY LITTORAL STATES AND THEREFORE GAVE THEM A FORM OF SOVEREIGNTY. IN ANY EVENT, HE SAID, IMCO APPROVAL IS SECONDARY TO AGREEMENT AMONG THE STRAITES STATES AND THERE THE PROBLEM OF UNDER KEEL

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PAGE 03 KUALA 06969 01 OF 02 060540Z

CLEARANCE (UKC) RATHER THAN TSS RULES WAS PARAMOUNT. HE REITERATED THAT IT IS UNREALISTIC FOR THE BRITISH TO SUGGEST (REFTEL A) THAT THE TSS BE SUBMITTED FOR APPROVAL BY IMCO IN 1977 BUT BELIEVES THAT IT IS LIKELY TO BE CONSIDERED AT THE 1978 IMCO ASSEMBLY. IN THE MEANTIME, ONCE THE SCHEME HAS TRI-STATE APPROVAL, VOLUNTARY ADHERENCE WILL BE REQUESTED FROM THE USERS GROUP.

4. GEE HAS FURNISHED EMBASSY WITH COPY OF AIDE MEMOIRE WHICH WAS LEFT WITH PARAM LAST WEEK IN WHICH, TAKING ACCOUNT OF EARLIER CONVERSATIONS, BRITISH PROPOSED THAT ONCE TSS APPROVED BY LITTORAL STATES AND "DISCUSSED AND AGREED" WITH PRINCIPAL USER STATES THE SCHEME SHOULD BE SUBMITTED TO IMCO FOR APPROVAL. AIDE MEMOIRE NOTES THAT A SIMILAR PROCEDURE WAS FOLLOWED FOR THE STRAIT OF DOVER AND THE BALTIC ENTRANCES. PAPER OUYWUSSES THE 1972 COLLISION REGULATIONS, THE EXTENT OF TS SCHEMES (I.E. THEIR LIMITATION TO "PARTICULAR AREAS"), POSITION FIXING, MARITIME SAFETY, AND DEEP-WATER ROUTES. THE IMCO RECOMMENDATION ON NAVIGATION THROUGH THE BALTIC ARE APPENDED. IN ADDITION, THE AIDE MEMOIRE REPEATS THE EARLIER BRITISH OFFER OF TECHNICAL ASSISTANCE IN DRAFTING TSS. (COPY WILL BE POUCHED TO DEPT.)

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PAGE 01 KUALA 06969 02 OF 02 060633Z

17

ACTION DLOS-06

INFO OCT-01 AF-08 ARA-06 EA-07 EUR-12 NEA-10 ISO-00 FEA-01

ACDA-07 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00

CIEP-01 COME-00 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05

FMC-01 TRSE-00 H-01 INR-07 INT-05 IO-13 JUSE-00 L-03

NSAE-00 NSC-05 NSF-01 OES-06 OMB-01 PA-01 PM-04

PRS-01 SP-02 SS-15 USIA-06 SAL-01 /152 W

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P R 060400Z DEC 76

FM AMEMBASSY KUALA LUMPUR

TO SECSTATE WASHDC PRIORITY 5405

INFO AMEMBASSY JAKARTA

AMEMBASSY LONDON

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C O N F I D E N T I A L SECTION 2 OF 2 KUALA LUMPUR 6969

5. UKC AND JAPAN: PARAM WOULD NOT CONFIRM THAT LIKELY COMPROMISE AT SOM WOULD BE 3.5 METER UKC. HE ACKNOWLEDGED, HOWEVER, THAT GOM IS PREPARED TO GIVE UP PREVIOUS DEMAND FOR 4 METERS. WITH REGARD TO JAPANESE INSISTANCE IN 3 METERS, PARAM SAID JAPANESE HAVE NO CHOICE BUT TO ACCEPT THREE STATE DECISION, BUT EMPHASIZED THAT COMPROMISE WOULD BE "ONLY A FEW CENTIMETERS"

FROM JAPANESE MINIMUM POSITION (WHICH EMBASSY HAS BEEN TOLD BY GEE IS 3.5 METERS) THUS THEY WOULD NOT HAVE STRONG GROUNDS FOR COMPLAINT.

6. SOVIET UNION: PARAM ALSO CONFIRMED SUBSTANCE OF REFTTEL A AND EMBASSY SPECULATION THAT SOVEITY DEPUTY MINISTER OF SHIPPING AND MARINE TIKHONOV HAD DISCUSSED POSSIBILITY OF A CONTRACT FOR RUSSIAN SHIPS TO CARRY A PORTION OF MALAYSIAN RUBBER EXPORTS TO EUROPE IN 1977.

7. US-GOM CONSULTATIONS: POLOFF ASKED WHETHER IT WOULD BE USEFUL FOR US REPRESENTATIVES TO VISIT MALAYSIA FOR LOS CONSULTATIONS THIS YEAR AS ORGINALLY PROPOSED BY THE US AND ACCEPTED BY THE GOM. PARAM REPLIED THAT THERE WOULD BE NO POINT IN THE US UNDERTAKING BILATERAL CONSULTATIONSUNTIL CONFIDENTIAL

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PAGE 02 KUALA 06969 02 OF 02 060633Z

AFTER THE SOM MEETING AND, HE PERSONALLY FELT, IT PROBABLY WOULD BE BETTER TO WAIT UNTIL AFTER THE FOREIGN MINISTERS OF THE THREE MALACCA STRAIT STATES HAD FORMALLY APPROVED THE TSS. FOR PLANNING PURPOSES, HE ASKED THAT THE USG INFORM THE GOM FORMALLY WHEN IT WOULD PREFER TO UNDERTAKE THESE CONSULTATIONS. (WITH RESPECT TO POSSIBLE MULTILATERAL CONSULTATIONS PROPOSED BY EMBASSIES SINGAPORE AND JAKARTA, POLOFF DID NOT MENTION THESE DIRECTLY, BUT MANAGED TO EXTRACT FROM PARAM THE INFORMATION THAT BILATERAL TALKS WITH INDONESIA ON AIR AND SEA TRANSIT OF THE ANAMBAS-NATUNA ISLANDS SALIENT ARE NOT GOING SMOOTHLY. FOR THIS, AND REASONS RELATING TO THE PERSONALITY OF THE CHIEF MALAYSIAN NEGOTIATOR, LAW MINISTER TAN SRI KADIR BIN YUSOF, KUALA LUMPUR FEELS THAT BILATERAL TALKS WOULD BE MORE PRODUCTIVE IN THIS INITIAL PHASE.)

8. ACTION: PLEASE ADVISE TIME FRAME IN WHICH CONSULTATIONS DESIRED BY USG.
UNDERHILL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
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Draft Date: 06 DEC 1976
Decaption Date: 01 JAN 1960
Decaption Note:
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04 MAY 2006

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TAGS: PLOS, EWWT, OCON, MY, UK, UR
To: STATE
Type: TE
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